



November 15, 2024

Via Email Aaron_NYSDChambers@nysd.uscourts.gov

Norton Rose Fulbright US LLP
1550 Lamar Street, Suite 2000
Houston, Texas 77010-4106
United States of America

Hon. Stewart D. Aaron
US Magistrate Judge
US District Court Southern District
of New York
500 Pearl Street, Room 1970
New York, Ny 10007

M. Carter Crow
Global Head of Employment and Labor
Direct line +1 713 651 5218
carter.crow@nortonrosefulbright.com

Tel +1 713 651 5151
Fax +1 713 651 5246
nortonrosefulbright.com

Re: Case No. 1:23-cv-09482-JPO; *Nicholas Widmer et al. v. Scale Facilitation et al.*; In the
United State District Court for the Southern District of New York

Dear Judge Aaron:

Per our discussions in the settlement conferences on this matter, Defendants request that the Court permit Defendant David Collard to file under seal an unredacted copy of a single exhibit - David Collard's Declaration made in connection with the settlement agreement in this matter, which will be filed today. The Declaration contains statements regarding Collard's ability to satisfy the financial terms of the judgment to be entered as a part of the settlement agreement. As you will see in the settlement agreement, all parties have agreed that the Declaration will be filed under seal.

You will recall that Collard objected to the public filing of the Declaration, since the press could use the Declaration in a manner that would significantly damage Collard's ability to engage in new business activity. In turn, that damage would impede Collard's ability to earn the funds necessary to pay the judgment in this matter. When I raised this issue in the settlement conference, you stated that the Declaration should be filed with the Court as part of the settlement agreement review process, but that the Declaration would qualify for filing under seal in your Court, which should satisfy Collard's confidentiality concerns.

For these reasons, Defendants respectfully request that the Court issue an Order granting Collard the right to file the Declaration under seal, if the Court finds that it needs to review the Declaration in connection with its review of the settlement agreement in this matter.

Sincerely,

/s/ M. Carter Crow

M. Carter Crow

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Hon. Stewart D. Aaron
October 18, 2024
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